

BOARD NEWS



CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

JUNE 2003

BOARD MEMBER'S PERSPECTIVE

By Michael D. Roth, *President of the Board*

Admittedly, when I was first appointed to the Structural Pest Control Board in August 2001, my knowledge of structural pest control was somewhat limited; however, my desire to serve California consumers was great. Shortly after my appointment, I attended a Board member orientation program that was sponsored by the Department of Consumer Affairs. At this orientation I learned about my role as a consumer advocate. I really felt part of an integral team after the Board held its strategic planning meeting in November of 2001. During this process and at subsequent meetings, I grew to know, like and respect my fellow Board members and the Board's executive staff. I learned more about the issues

the Board was facing and about decisions I would be expected to make as part of this team.

It was an interesting first year; all the board members were newly appointed, with the exception of Ken Trongo. The learning curve was great and it is ongoing, but with Ken's leadership as President, I believe we met the challenge. Then came October 2002 and the Board officer elections. I was elected President and faced a whole new set of challenges.

The first item to address was the annual strategic planning meeting. At this annual meeting, we revised the Board's mission statement to state: *The Structural Pest Control Board's highest priority is to protect the public by regulating the structural pest control industry to benefit and promote safety, health, and welfare.* The vision for the Board is: *A protected public and a regulated structural pest control industry that promotes safety, health, and welfare.*

The goals of the Board reflect its renewed commitment to consumer protection. To this end, one of my highest priorities, and I know it is also among the highest priorities of my fellow Board members, is to encourage greater public participation and awareness in Board activities.

I look forward to the remainder of my term as President, and anticipate a positive outcome to some of the issues the Board is currently exploring, such as the use of in-ground termite bait stations. My commitment to the consumers of California is greater than ever. And I know that with the assistance of our dedicated Board members and staff, we will meet the challenges of stronger consumer protection. ♦

SPC Board Adopts New License Renewal Procedure

By Elizabeth James

In 2002, the Board reinstated a renewal process that has not been used since 1987. Instead of having every renewing licensee send in his or her Continuing Education (CE) certificates, the Board now randomly audits a certain percentage of the licensees for verification. One quarter of our licensees, approximately 700, who renewed in June of 2002 were randomly selected and notified by mail to provide their CE certificates to the Board to verify the hours attended.

During the three-year renewal period, licensees are required to complete eight hours of Rules and Regulations, four hours of technical in each branch for which they are licensed, and four hours of general CE courses in order to renew their license. Previously, each licensee was required to submit proof of his or her CE hours when they sent in their renewal application. Under the audit process, licensees no longer mail their certificates with the renewal application but sign and date their renewal application to certify under penalty of perjury that they have taken the appropriate amount of CE courses within their three-year renewal period. If a licensee is audited, he or she will then send in proof of CE courses taken. Licensees who are unable to verify CE courses will now be subject to disciplinary actions such as fines and/or revocation of their license.

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STRUCTURAL PEST CONTROL BOARD NEWS

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Select Committees

Continuing Education
Termite Bait Stations
Laws & Regulations

(If you are interested in serving on one of these committees, please submit a request in writing to the President in care of the Board.)

Structural Pest Control Board News

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LICENSING NEWS

License Upgrade Reminder

A frequently asked question to the Structural Pest Control Board is "when do I have to complete my Continuing Education (CE) requirements for my newly upgraded license?"

Continuing education hours for the upgraded branch are due at the time of renewal of the pre-existing license. For example, a licensee, who holds a Branch 1 license, is set to renew in 2003. The licensee wants to upgrade his or her license to include Branch 2. If the licensee upgrades before the pre-existing license is renewed, he or she is responsible for obtaining the CE requirements for both Branch 1 and 2 when renewing.

Therefore, if the license is upgraded before it has been renewed, the licensee is responsible for four (4) technical hours in each branch that they are now licensed in. There is no fee for upgrading a license. ♦

Upcoming Licensee Survey – We Need Your Help

Many licensees also do business in janitorial service, mold and mildew remediation, building maintenance and construction. The Board is in the process of developing a survey form for distribution to registered companies. The information collected will be used to determine how closely related other business activities are to the field of structural pest control and to respond to legislative inquiries regarding the scope of structural pest control company operations.

The board will be sending a return-postage-paid survey form to all registered companies. When you receive the form, just answer questions and provide additional comments if you wish, then drop the postage-paid form in the mail. ♦

Fingerprint Process – Live Scan

The Board is now using "Live Scan" to improve and speed up the fingerprint clearance process for applicants who need criminal background checks. In most cases, this new process reduces the processing time from eight weeks to approximately 10 business days.

Live Scan electronically transfers digital images of the applicant's fingerprints to computers at the California Department of Justice (DOJ). This system requires the applicant to have his or her prints scanned at one of the Live Scan locations around the State. For a complete listing of Live Scan sites, visit the DOJ Web site at: <http://ag.ca.gov/fingerprints/publications/contact.pdf>. If you do not have access to the Internet, contact the Board for a list of locations in your area. The fee for Live Scan is \$56 plus a rolling fee established by each individual location. The rolling fee can vary from \$5 to \$25 and is not set by the Board. Business hours are noted for each location on the site list, but you should call the site first to determine if you need to schedule an appointment.

The Board strongly encourages applicants to use Live Scan. However, if for some reason you have difficulty getting an appointment for fingerprint scanning at a Live Scan site or there is no location reasonably close to you, contact our Licensing Unit at (916) 561-8704 and make arrangements to have "hard copy" fingerprint cards sent to you. ♦

Examination Dates

The Structural Pest Control Board examination dates for the remainder of 2003 are listed below. These dates may change subject to availability of adequate facilities.

EXAMINATION DATES	FINAL FILING DATES
July 21,22,23,24, 2003	July 8, 2003
Aug 25,26,27,28, 2003	Aug 8, 2003
Sept 22,23,24,25, 2003	Sept 9, 2003
Oct 20,21,22,23, 2003	Oct 7, 2003
Nov 17,18,19,20, 2003	Nov 4, 2003
Dec 22,23,24, 2003	Dec 5, 2003

June 2003 License Renewal Cycle

Does your license expire in June 2003? In accordance with the Business and Professions Code, licenses must be renewed every three years by midnight on June 30 of the third year. Every May, the Board sends renewal applications to the addresses of record of those whose licenses expire that year. Parts C and D of the renewal application must be completed and signed under penalty of perjury to certify you have successfully completed the hours of continuing education required for renewal. The application must be returned to the Board along with the appropriate fees.

Know your license renewal requirements! If you hold a license to practice structural pest control, it is your responsibility to know, understand, and complete the requirements to maintain that license.

If you have questions regarding your renewal requirements, see Business and Professions Code Sections 8590, 8590.1, 8591, 8592, and 8593, which provide the rules for license renewal. In addition, Sections 1950 and 1950.5 of the California Code of Regulations list the number of hours and the subject of continuing education for each type of license. These laws and rules are printed in the Structural Pest Control Act and on the Board's Web site at www.pestboard.ca.gov.

Why is meeting your continuing education requirements so important? Because if you are randomly selected for a continuing education audit and it is determined that you have not met the requirements, your license may be revoked, placed on probation, and/or you may be fined.

If you are unclear or unsure about the requirements, review the laws and rules listed above or contact our Licensing Unit at (916) 561-8704. You have three years to complete your continuing education requirements: so do not wait for the renewal application to determine what is required. ♦

Board Adopts New License Renewal Procedure

(Continued from Page 1)

In order to assist you and the Board in this auditing process, here are a few helpful tips to remember:

1. Always keep track of your certificates.

The biggest problem with the renewal process is licensees not being able to find their CE certificates. I spoke to one person on the phone who laughed and said, "I didn't know they were that important." These certificates are a necessary part of renewing your license. Continuing education certificates prove to the Board that you have obtained your CE courses as required by the California Code of Regulations. Without the certificates, the Board must assume that you did not comply with the Code of Regulations and therefore are not eligible to have your license renewed. Keep your certificates in a safe and convenient place in case you are required to submit them. If you leave a company, ask your employer to provide you with your certificates. These are your certificates and you are responsible for them.

2. Only send in your certificates when requested.

Please do not submit your CE certificates with your renewal application. All original CE certificates will be sent back to the licensee and copies of CE certificates will be discarded. You will be notified by mail if you are selected for the audit and are required to submit your CE certificates. Please send only copies of your certificates.

3. Take courses within your three-year renewal period.

This tip may sound obvious. However, many licensees are unable to renew because they

fail to complete their courses within their three-year window. Each year, I receive many certificates that are dated after the June 30 deadline. Remember, all CE courses must be completed prior to or on June 30 of your three-year renewal period.

4. Call the Board with any questions regarding continuing education requirements.

If you have any questions regarding CE requirements, please contact the Board for assistance. If you have questions regarding previous courses or specific course information, please contact your CE course provider. A list of CE providers can be found on our Web site at www.pestboard.ca.gov. It is better for you to be sure that you have enough hours before the end of the renewal period than to find out after it is too late. ♦



ELIZABETH JAMES has worked for the Board for almost three years. She recently graduated from the California State University, Sacramento with a degree in Child Development. Previously, Elizabeth worked for the Legal Department at the Integrated Waste Management Board. She loves to wakeboard and is a devoted Sacramento Kings fan.

DID YOU KNOW...?

Do You Use FAX Coversheets?

The Structural Pest Control Board employs more than 30 people who perform a variety of services for licensees and registered companies. On any given day, it is not uncommon for the Board to receive dozens of documents via fax, intended for any one of these 30 employees. Unfortunately, a number of these documents may take days to reach their intended recipient because they do not have a coversheet identifying the person who is to receive the document. To ensure that your faxes reach your intended party in a timely manner, please remember to:

- Identify the recipient;
- Include the current date;
- Include the subject of the fax;
- Include number of pages of the transmission, including the coversheet.

Business Requirements

Most town, city and county government agencies have requirements for doing business in their communities. Not only must you register with most jurisdictions in which your business is located, but you may also be required to register in the jurisdiction of your customers.

Valerie Loo, Senior Investigator with the Office of the Treasurer and Tax Collector for the City and County of San Francisco, says many Structural Pest Control Board licensees are unfamiliar with the provisions of the San Francisco Municipal Code requiring annual registration. Failure to comply, says Loo, will subject a business to accrued monetary penalties, interest, administrative fees, forfeiture of any Small Business Exemption, lien recordation, and misdemeanor violations.

Check with your local, city and county government offices to ensure you are in compliance with all business requirements. ♦

Super Information Highway!!!

When was the last time you visited the Board's Web site? The Web site has a new look and additional features. A link has been added that reads "Rate This Site." Just click on the link to take you to a survey page where you can rate a number of features such as content, graphics and useful information. You can even make your own suggestions for future enhancements. We've also added a link so you can quickly send us an e-mail. The Web site address is www.pestboard.ca.gov. ♦

Office Records Inspection Automation

Structural Pest Control Board Specialists have a new tool for processing field inspection forms. All specialists have been provided with laptop computers, portable printers and a field inspection form program. Inspection forms will be generated and printed in the field. The field inspection program consists of a database to allow for downloading to the Board on a weekly basis for inspection analysis and processing of citations for the Board's cite and fine program. ♦

Help Wanted

The Structural Pest Control Board is requesting help from registered Branch 3 companies in the submission of their 3.5-inch floppy disks for the Wood destroying pest/organism (WDO) program. Although it is not mandatory, the Board asks that companies include their telephone number on all WDO diskettes submitted. If a problem is found during the uploading process and a telephone number is on the diskette, we can easily contact the licensee and hopefully solve the problem. Your help is greatly appreciated. ♦

Speaking to Realtors

In recent months, the Structural Pest Control Board has provided a speaker for various Realtor groups. The topic areas have ranged from, wood-destroying pest and organisms reporting requirements to the Board's disciplinary process.

The opportunity to speak to real estate groups has allowed the Board to clarify the requirements for wood destroying pest and organisms reports, completion notices, certification statements, separated reports and licensee responsibilities regarding errors and omissions.

The Board's Chief Enforcement Officer, Dennis Patzer, has spoken to the following groups: Laguna Beach Board of Realtors, Humboldt County Board of Realtors, Valley Market Meeting, and Winkleman Reality.

If your local board of Realtors is looking for a speaker regarding structural pest control issues, have them contact Dennis Patzer at 1418 Howe Avenue, Suite 18, Sacramento, California 95825. ♦

Department of Consumer Affairs Has Its Own "STAR SEARCH" Feature

The Department of Consumer Affairs has a local search feature on its Web site that allows quicker and easier searches.

On the Department of Consumers Affairs home page at www.dca.ca.gov, in the top right corner, is a white search box. Type in a "key word" related to the topic you're interested in, then hit search to retrieve all material on the site that contains the key word. So why not take a peek and give it a try? ♦





In Memory of Gloria Vartanian Dorsey

The Board deeply mourns the death of Gloria Dorsey, a longtime employee of the Board. Gloria passed away at home on March 8, 2003, surrounded by her loving family, after a three-year courageous battle with cancer.

Gloria was a Department of Consumer Affairs' employee since 1967, having worked for Electronic Data Processing Unit, the Board of Medical Quality Assurance and the Board of Optometry. While at the Structural Pest Control Board, Gloria was Office Supervisor of the Licensing and Examination Unit, worked as a Consumer Services Representative in the Complaint Mediation Unit, and was Supervisor of the Microfilm Unit. After she retired, Gloria was hired back as a Special Assistant to the Administration.

Gloria will be greatly missed by everyone at the Board. She left each one of the staff with wonderful memories. Through those memories, she will never be forgotten.

Gloria is survived by her husband, Tom; two daughters, Sharon and Nancy; grandchildren, Jennifer and David; and great grandchild, Duncan. ♦

Toxic Molds Are Not Reportable Items: However...

Molds, toxic or otherwise, are not required to be reported on a Wood Destroying Pests and Organisms Report. Some of the conditions that foster the development or growth of molds are reportable by Branch 3 licensees. Examples of the reportable items are lack of adequate ventilation and excessive moisture conditions.

If a licensee reports an excessive moisture condition inside or under a structure, there may be a possibility that the moisture condition has fostered the growth or development of molds. The licensee is required under section 8516 of the Business and Professions Code to report all conditions conducive to infection or infestation. The Code does not require the reporting of non-wood decay infections.

Problems may occur during or after the correction process by the licensee for an excessive moisture condition. Branch 3 licensees should re-think how

they approach recommendations for the correction of excessive moisture conditions, if there is a concern regarding toxic molds.

Little is known about the prevalence of toxigenic molds in homes and it is not clear how extensive the measures must be to insure environments are sufficiently free of molds to avoid illness. Evidence indicates that caution must be used, because it is possible to increase the levels of mold spores in the air by attempting clean up using traditional methods. Remediation by companies specializing in molds can be very costly depending on the amount of mold spore present and the type of remediation recommended.

When a licensee fails to report a condition that is conducive to infestation or infection by wood destroying pests and organisms and that condition can also cause a problem unrelated to the infestation or infection, the licensee may bear the responsibility for correction in both areas should a problem occur. ♦

Board's Appreciation to University Researchers

A special "thank you" to Dr. Vernard Lewis and Dr. Michael Haverty of the University of California Berkeley for their appearance at a recent meeting to help the Structural Pest Control Board learn about in-ground termite bait stations.

Board members have the responsibility to protect consumers of structural pest control services. More and more Californians are opting to use in-ground termite baiting systems as a method of termite elimination in their homes. In order to make educated and informed decisions regarding the regulation and enforcement of these bait systems, the Board sought additional information from researchers directly involved in the study of bait stations and how they may eradicate termite infestations.

Board members look forward to future presentations by Drs. Lewis and Haverty on other structural pest control topics. ♦

MARK YOUR CALENDAR



Don't make unnecessary long distance telephone calls. Mark your calendars ahead and know when the Structural Pest Control Board's office is closed because of a state holiday.

During a recent state holiday, the office received more than 300 telephone calls from registered companies making inquiries about examination dates, the status of a license, transfer of employment and a wide variety of other topics. The following day, Board staff returned to work and checked their telephone messages to discover that some callers left up to as many as five or six messages.

The Board's office is closed on the following dates for the rest of the year:

- July 4, 2003 – Independence Day
- September 1, 2003 – Labor Day
- October 13, 2003 – Columbus Day
- November 11, 2003 – Veteran's Day
- November 27 and 28, 2003 – Thanksgiving Holiday
- December 25, 2003 – Christmas Day
- January 1, 2004 – New Year's Day

Be sure you are calling the correct telephone number. For licensing and examination information call (916) 561-8704. For information regarding enforcement and complaints, call (916) 561-8708. ♦

Legislative Update

Course Completion Requirement Approved By Legislature and Signed Into Law By Governor Gray Davis

Licensees who violate California pesticide use laws may soon find themselves being required to take and pass a mandatory, Board-approved course. Senate Bill 1463, introduced by Senator Mike Machado, was signed into law by Governor Gray Davis on September 14, 2002.

Since January 1, 2003, county agricultural commissioners have been allowed to fine licensees up to \$1000 for a violation, and/or require them to take a board-approved course. Rehabilitation through education is the goal of the course requirement.

The Board will not allow the use of the required course for continuing education purposes. Licensees who do not take and pass the course will not be eligible to have their license renewed. ♦

Structural Fumigation Enforcement Program Receives Legislative Extension

The Structural Fumigation Enforcement Program in Los Angeles and Orange counties has been extended to July 1, 2006. The program requires that fumigators pay a \$5 fee for every structural fumigation performed at a specific building or structure during the previous month. The fees are paid to the counties and are used for the sole purposes of funding enforcement and training activities directly related to the program.

The structural pest control industry and the participating counties support the program. Regulatory compliance by structural pest control fumigators has increased during the years the program has been in effect. ♦

Board's Highest Priority

Assemblyman Lou Correa's Assembly Bill 269 (Stats. 2003, Chap. 107) states specifically that protection of the public is the highest priority of the Structural Pest Control Board in exercising its licensing, regulatory and disciplinary functions. It says that whenever the protection of the public is inconsistent with other interests being promoted, the protection of the public shall be paramount.

Consumer protection is the essential purpose of all California's occupational licensure boards and bureaus. However, not all statutory schemes establish clearly that protecting consumers is the agency's primary mission. Passage of this bill establishes this as the priority of the Board. ♦



MEET THE COMPLAINT UNIT

by Elizabeth James



Complaint Unit staffers, from left, Gayle Yamada, Ila Kopp, Patti Jensen and Karen Lauritzen help consumers who report having problems with pest control service providers.

The Structural Pest Control Board's Complaint Unit handles 1,200 to 1,300 cases a year, as well as thousands of consumer calls. It consists of two Consumer Services Representatives and two Consumer Assistance Technicians who strive to educate the public and resolve disputes between consumers and licensees.

When consumers call the Board, they speak with a Consumer Assistance Technician (CAT). The CAT answers questions consumers may have about a particular company, such as its complaint history, and insurance and bonding, as well as general consumer questions about pest control issues. They also help consumers who have questions about how to file complaints against pest control companies and explain the Board's Rules and Regulations.

When a complaint is filed, it is assigned to a Consumer Services Representative (CSR). The CSR acts as a liaison between the consumer and the licensee and attempts to mediate complaints consistent with the Structural Pest Control Board Act. CSRs must also interpret the Board's Rules and Regulations to ensure that licensees are following the law. If mediation is unsuccessful, the case is forwarded to one of the Board's eight specialists for further investigation and determination.

THE COMPLAINT UNIT STAFF

PATTI JENSEN, a Consumer Services Representative, has worked for the Board since August 2001. Patti's previous experience with consumer issues came from working for a national mortgage company where she handled escalated complaints and pre-litigation matters involving consumers, attorneys, various governmental agencies and public interest groups. She believes that the most challenging aspect of her position has been learning the Rules and Regulations related to pest control.

"I learn something new every day," Patti says, adding that her job is rewarding when she is able to successfully mediate a complaint so that all parties involved feel they have been treated fairly by the Board.

GAYLE YAMADA has been a Consumer Services Representative with the Board for twelve years. She gained her complaint mediation experience from the Contractors State License Board where she worked prior to joining the Structural Pest Control Board. Gayle believes the most challenging part of her job involves learning all of the pest control industry's technical information. However, Gayle finds satisfaction when she is able to assist consumers in resolving pest control disputes.

ILA KOPP is one of the Board's Consumer Assistance Technicians. Ila has worked for the Board for more than twelve years. Her previous

experience came from the Prevention and Children's Services Branch at the Department of Developmental Services where she was an Office Technician. At the Board, Ila enjoys providing information to people to help them resolve disputes. Ila has always believed "it is an important aspect to treat people with respect" and enjoys the appreciation that she receives from consumers. But the work can be challenging. Ila finds it very hard to explain to a consumer why his or her case may not result in repairs or treatments by the pest control company if the consumer, prior to the close of escrow, had knowledge of infestations or infections that were unreported by the company during its inspection of the home. Especially challenging, says Ila, is assisting consumers who found infections or infestations in areas of a home that were inaccessible to the company during the inspection.

KAREN LAURITZEN, a Consumer Assistance Technician, has been with the Board for thirteen years, after working at the Secretary of State's Office. Karen feels the most rewarding aspect of her job is when consumers recognize the Board's hard work in helping them resolve their issues. Karen also enjoys the great people she works with at the Board. But like Ila, Karen finds it difficult to explain to the public that the Board may be unable to help them with their particular issue because the complaint is outside the Board's jurisdiction. ♦

ENFORCEMENT NEWS

Disciplinary Review Committee

The Structural Pest Control Board is seeking licensees interested in serving a one-year term as the industry representative on the Disciplinary Review Committee.

The Disciplinary Review Committee has three members – one representing the Board, one representing the Director of the Department of Pesticide Regulation and one licensed as a structural pest control operator.

The committee reviews appeals filed by structural pest control licensees on suspensions or fines for violations of pesticide use laws and regulations imposed by county agriculture commissioners acting as agents of the Board.

If you're interested, please send your resume to Karen Sanders, Structural Pest Control Board, 1418 Howe Ave., Suite 18, CA, California 95825. ♦

Structural Pest Control Board's Toll-Free Line: 800-PEST-188

Our toll-free 800 number was first established in 1994. Designed with the consumer in mind, this line gives consumers the convenience of a toll-free number to seek information, have questions answered, or register complaints regarding a pest control company or licensee. However, we can no longer transfer calls to our Licensing or Administration units. For calls regarding a licensing issue, call our Licensing Unit at 916-561-8704. Our Administration phone number is 916-561-8700.

ASK THE CHIEF

Dennis D. Patzer, Chief Enforcement Officer.



Q: I have a consumer complaint that is being investigated by a Board specialist. He has been out to the property and performed an inspection and sent me a "Report of Findings." How long do I have to comply?

A: *You have thirty days to bring the property into compliance or issue a corrected report as directed in the specialist's report of findings. Failure to comply in thirty days may result in the issuance of a citation and fine or licensing action.*

Q: A Board specialist determined that I failed to report drywood termite infestations extending into many inaccessible areas of a home. I received the report of findings directing me to correct the drywood termite problem. I made arrangements with the consumer to fumigate his home. I asked the homeowner to sign a damage waiver for the roof and he refused. Am I responsible for any damage that may occur to the roof caused by my fumigation?

A: *You are responsible for any damage that may occur to the roof. Failure to report the drywood termite infestation in your original report made you responsible for eliminating the termites and any damage to the roof that may occur during the fumigation process. If originally you had reported the infestation of drywood termites, made a recommendation for fumigation and had the consumer sign a damage waiver for the roof, you would not be responsible for damage caused to the roof during the fumigation process.*

Q: I received a citation and fine after the Board investigated a consumer complaint on an inspection I performed. My employer made all the necessary corrections to bring the property into compliance. Why am I being fined?

A: *All Branch 3 licensees are responsible for the accuracy of their wood destroying pests and organisms reports. Your employer is responsible for errors and omissions committed by his or her licensed employees. The fact that your employer brought the property into compliance does not absolve you of your responsibility to do a proper and accurate inspection. You are being fined because you made an improper inspection.*

Q: I received a citation and fine after the Board investigated a consumer complaint against my company. I was found to be in non-compliance, as my employee failed to report several items. I made the necessary repairs upon receipt of the Board specialist's report of findings. This work cost me at least \$1200. Why am I still being issued a citation and being fined?

A: *After you complied with the specialist's report of findings, he prepared an investigative report with the details of your case and sent it to the Board for review. During the review process several factors are considered. Before referring a case for cite and fine or licensing action, a company's previous instances of non-compliance over a three-year period and/or the severity of the violation(s) in the present case are considered.*

BOARD ACTIONS

JUNE 16, 2000, TO DECEMBER 18, 2002

In a default decision, the field representative's license issued to **David Edward Springle** (FR 30552, Branch 2) of Citrus Heights was revoked. Respondent failed to report an inaccessible attic space, decay damaged door casings and stucco moldings, decay damaged plywood sheathing, water damaged sheetrock, wood boring beetle damage and cellulose debris. Revocation effective Dec. 18, 2002.

Following a hearing, the operator's license issued to **Thomas Michael Petrey** (OPR-8055, Branch 2) of Victorville was revoked. Respondent was required to reimburse the Board for investigative costs in the amount of \$3,562. Respondent was convicted of a crime that was substantially related to the qualifications, functions and duties of a structural pest control operator. Revocation effective November 28, 2002.

In a stipulation, the company registration held by **Step Aside Exterminators, Inc.** (PR 3647, Branches 2 & 3 and PR 2490, Branches 2 & 3) and operator's license issued to **Jerry Lee Hughes** (OPR 9118, Branch 3) of Ceres, were placed on three years' probation. Respondent is required to make restitution in the amount of \$50,000 to the consumer and reimburse the Board \$1,725 for investigative costs. Respondent failed to report fungus damage, earth to wood contact, subterranean termite evidence and damage and misrepresented that the property was free of active infestation or infection in the visible and accessible areas when, in fact, there was evidence of infestation and infection in the sub area and eaves. Decision effective November 15, 2002.

Following a hearing in the matter of the application for the issuance of a Branch 2 operator's license submitted by **Bill Haden, Jr.** of Malibu, the Board denied the application for an operator's license. Respondent worked for an unregistered structural pest control company and conducted a pest inspection without being licensed. Decision effective November 15, 2002.

Following a hearing in the matter of the application for the issuance of a Branch 2 field representative's license submitted by **Mark Estes Petersen** of Brentwood, the Board adopted the decision to issue a probationary field representative license. The probationary period is two years, during which time respondent must file quarterly reports with the Board. Respondent had been convicted of crimes substantially related to the qualification, functions and duties of a structural pest control licensee. Decision was effective November 14, 2002.

In a default decision in the matter of the application for the issuance of a Branch 3 operator's license submitted by **Daniel A. Chumley** of Monument, Colorado, the Board in a default decision, denied the issuance of a license. It was determined that respondent committed acts involving dishonesty, fraud or deceit while holding a company registration and operator's license. Decision effective Sept. 22, 2002.

In a default decision, the company registration held by **The Termite Specialists** (PR-1598, Branch 3) and operator's license issued to **Daniel Arney Moorhead** aka **Daniel A. Chumley** (OPR-8160, Branch 3) of Monument, Colorado were revoked. It was determined that respondent failed to comply with conditions of probation by failing to post a \$8,000 restoration bond, failing to file quarterly reports with the Board and failing to complete the required continuing education course in Branch 3. Revocations effective September 19, 2002.

In a default decision, the field representative's license and registered applicator's license issued to **Donovan Shane Benson** (FR-30896, Branch 1 and RA-16992, Branch 3) of El Cajon were revoked. It was determined that respondent failed to use only pest control equipment which is in good repair and failed to perform pest control work in a careful and effective manner. Respondent also failed to use only methods and equipment suitable to insure proper

application of Vikane, a poisonous exterminating fumigant, and failed to use a measuring device, to accurately weigh or measure the Vikane fumigant. Revocations effective September 18, 2002.

In a default decision, the field representative's license issued to **John Russell Lucia** (FR-17385, Branch 1) of El Cajon was revoked. It was determined that respondent falsified the fumigation logs by increasing instead of decreasing the fumigant cylinder weight before introduction after the pounds of fumigant were applied from the same cylinder. Revocation effective September 18, 2002.

In a stipulation, the company registration held by **Berry's Pest Control, Inc.** (PR-1479, Branches 2 & 3) and operator's license issued to **Patrick Joseph Laurenzano** (OPR-7863, Branch 3) of El Dorado Hills was revoked. The Accusation alleged that respondents were grossly negligent in failing to perform proper inspections and issue proper reports and failed to report findings and make recommendations. It was also alleged that respondents failed to report wood boring beetle infestation and damage, subterranean termite damage, fungus infection and damage and a faulty grade level. Respondents stipulated that the board could establish a factual basis for the charges in the Accusation. Revocations effective August 24, 2002.

In a stipulation, the company registration held by **Earl's Pest Control, Inc.** (PR-623, Branches 2 & 3) and operator's license issued to **Larry Ben Lovell** (OPR-7756, Branch 3) of San Mateo were suspended for 15 days and placed on three years' probation. Respondents paid a \$2,000 civil penalty in lieu of the 15-day suspension. Respondents were required to reimburse the Board \$2,850 for investigative costs, complete a Branch 3 Board approved course, and post a \$3,000 restoration bond. It was alleged that respondents failed to report active subterranean termite infestation and damage, evidence of a faulty grade, earth to wood contacts

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and to make a proper recommendation to control the infestation. Respondent's stipulated that the charges and allegations in the Accusation, if proven, constituted cause for discipline and agreed to be bound by the board's disciplinary action. Decision effective August 24, 2002.

In a stipulation, the company registration held by **Cost Rite Termite Control** (PR-3046, Branch 3) and operator's license and field representative's licenses issued to **Phillip Marshall Owens** (OPR-9735, Branch 3 and FR-22489, Branch 3) of Anaheim were revoked. It was stipulated that respondents failed to report evidence of drywood termite damage, cellulose debris, decay and fungi damage, earth to wood contact and a faulty grade level. Respondents also failed to prepare and file a Standard Notice of Work Completed and Not Completed Report with the Board within five working days. Revocations were effective August 23, 2002.

In a stipulation, the license issued to **Richard Jared Warren** (FR-27468, Branch 3) of Anaheim, was placed on three years' probation. Respondent is required to file quarterly reports with the Board, complete a Branch 3 Board approved course and post a \$4,000 restoration bond with the Board. It was stipulated that respondent failed to report evidence of drywood termite damage, decay and fungi damage, cellulose debris in the substructure area and subterranean termite damage. Respondent also misrepresented that the property was free of evidence of active infestation when, in fact, it was not and failed to recommend the need for fumigation. Decision effective August 23, 2002.

In a stipulation, the license issued to **Michael Francis Caldeira** (FR-29311, Branch 3) of Anaheim, was placed on three years' probation. Respondent is required to file quarterly reports with the Board, complete a Branch 3 Board approved course and post a \$4,000 restoration bond with the Board. It was stipulated that respondent failed to report evidence of decay and fungi damage, drywood termite damage, and an excessive moisture condition. Respondent also misrepresented that a chemical treatment had been completed when, in fact, it had not and that the property was free of evidence of active infestation when, in fact, it was not. The decision effective August 23, 2002.

In a stipulation, the license issued to **Charles Willis Hendrick** (FR-30602, Branches 2 & 3) of Anaheim, was placed on three years' probation. Respondent is required to file quarterly reports with the Board, complete a Branch 3 Board approved course and post a \$4,000 restoration bond with the Board. It was stipulated that respondent failed to report evidence of cellulose debris in a substructure area. Decision effective Aug. 23, 2002.

In a stipulation, the company registration held by **Mitchell Hall Termite Control** (PR-2158, Branch 3) and operator's license and field representative's license issued to **Mitchell L. Hall** (OPR-8878, Branch 3 and FR-13489, Branches 2 & 3) of Roseville are surrendered to the Board. Respondent no longer wishes to maintain his licenses or comply with conditions of probation. It was stipulated that the board could establish a factual basis for the charges in the Accusation. The Accusation alleged that respondent fraudulently certified that work had been completed on a property when, in fact, the work had not been completed. Respondent also failed to report evidence of a subterranean termite infestation and decay fungi damage. Decision effective August 23, 2002.

In a stipulation, the field representative's license issued to **Marcial Chairez** aka **Marcial Chairez Gonzalez** (FR-15736, Branches 1 & 3) of Riverside was suspended for 20 days, placed on five years' probation and required to pay a \$5,000 fine. Respondent is also required to file quarterly reports. It was stipulated that respondent omitted to post "Danger" signs at or near all entrances. Decision effective August 23, 2002.

Following a hearing, the field representative's license issued to **Winston K. Young** (FR-26707, Branches 2 & 3) of Baldwin Park was revoked and the application for the issuance of an operator's license was denied. Respondent had been convicted of a crime substantially related to the duties, qualifications and functions of a structural pest control licensee which constitute grounds for revoking his field representative's license and denying any subsequent license. Respondent was required to reimburse the Board for investigative costs in the amount of \$1,750. Revocation was effective August 23, 2002.

In a stipulation, the operator's license issued to **Cheryl Lender** (OPR 8424, Branch 3) of Orange was revoked. Respondent aided and abetted an individual to act in the capacity of a licensed structural pest control operator without a valid license. Respondent employed, elected or associated with an individual after his operator's license was revoked. Revocation effective August 22, 2002.

The field representative's license issued to **Jimmy Dzienanowicz** (FR 16382, Branch 3) of Lakewood, was suspended for 19 days and was placed on three years' probation. Respondent paid a \$2,500 civil penalty in lieu of the suspension. Respondent must file quarterly reports with the Board and complete Branch 3 Board approved courses in insect identification, biology and rules and regulations. Respondent failed to report extensive fungus/dryrot damage and make recommendations for corrective action. Respondent also misrepresented that a property was free of active infestation when, in fact, the property was not. Stipulation effective May 22, 2002.

In the same matter, the license issued to **Antonio Hernandez** (FR 19851, Branch 3) of Los Angeles, was suspended for ten days and placed on three years' probation. Respondent must file quarterly reports with the Board and complete Branch 3 Board approved courses in business ethics and rules and regulations. Respondent misrepresented that the property was free of evidence of active infestation when, in fact, the property was not. Decision effective May 22, 2002.

The company registration held by **California Cities Termite Control, Inc.** (PR 2344, Branch 3), company registration held by **California Homes Termite Control, Inc.** (PR 370, Branches 2 & 3) both of Orange and the operator's license issued to **Bonnie Michelle Johnson** (OPR 9033, Branches 3) of Los Alamitos were revoked in a default decision. Respondents failed to notify Orange County Agricultural Commissioner's Office prior to the beginning of fumigation, failed to secure the property against re-entry, and failed

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to post warning signs at all entrances. Respondents also failed to use aeration fans to exhaust air and failed to use a gas detector device to measure the level of Vikane in the structure. California Cities Termite Control, Inc. performed Branch 1 pest control when it only held a Branch 3 license. There was negligence in handling and use of Vikane, a poisonous exterminating agent. Respondents also failed to report fungus, dryrot damage, drywood termites, evidence of subterranean termites, and cellulose debris at several locations and misrepresented that the properties were free of active infestation when, in fact, the properties were not. Decision effective March 17, 2002.

In the same matter, the license issued to **Roberto Barajas** (FR 12268, Branch 3) of Ontario was revoked in a default decision. Respondent fraudulently convinced a homeowner to allow access to their property for inspection by falsely representing that California Chemical Termite Control had changed its name and was no longer in operation when in fact, the company was still in business. The homeowner paid respondent to eradicate a termite infestation. Respondent committed acts constituting fraud or misrepresentation. Decision effective March 27, 2002.

In the same matter, the license issued to **Donald Frank Prosser II** (OPR 8465, Branch 3) of North Highlands was revoked in a default decision. Respondent aided and abetted **California Cities** to evade provisions of the Business and Professions Code by knowingly conspiring with **California Cities Termite Control Inc.**, by allowing the company to perform a fumigation without a valid Branch 1 company registration. Respondent also acted in the capacity of a licensed structural pest control operator without a valid license. Decision effective March 27, 2002.

In the same matter, the license issued to **Carlos Gonzalez** (OPR 8094, Branch 1) of South Gate was revoked in a default decision. Respondent failed to use aeration fans to exhaust air and failed to use a gas detector device to measure the level of Vikane in the structure. Decision effective March 17, 2002.

In the same matter, the license issued to **Jesus Galindo** (FR 20306, Branch 1) of El Monte was revoked in a default decision. Respondent failed to lock, barricade and otherwise secure a property against re-entry, failed to post warning signs at all entrances and was negligent in the handling and use of Vikane, a poisonous exterminating agent. Decision effective March 17, 2002.

The company registration held by **General Pest Service Co., Inc.** (PR 1094, Branch 3) and operator's license issued to **Romy Arthur Bergamini** (OPR 8036, Branch 3) of Venice, were revoked in a default decision. Respondents failed to comply with the terms and conditions of probation in a previous disciplinary matter. Decision effective March 13, 2002.

In the same matter, the license issued to **Gustavo Rivas** (FR 17654, Branch 1) of Bellflower, was suspended for 15 days and was placed on two years' probation. Respondent must also file quarterly reports with the Board and complete one or more Board-approved courses in rules and regulations and fumigation safety. It was established that respondent failed to properly complete the required fumigation log after fumigant had been introduced into the property, and as the licensee in charge allowed an employee to commit unsafe acts such as opening the fumigation tarp prior to installing a ventilation fan and tube without utilizing a self-contained breathing apparatus. Decision effective February 27, 2002.

In the same matter, the license issued to by **Carlos Espinoza** (FR 31704, Branch 1) of Compton, was suspended for ten days and was placed on two years' probation. Respondent must file quarterly reports with the Board and complete one or more Board approved courses in rules and regulations and fumigation safety. It was established that respondent failed to properly complete a fumigation log and failed to enter the correct dates on warning signs posted around a property where a fumigant was introduced. Decision effective February 27, 2002.

The company registration held by **Fume Choice, Inc.** (PR 3342, Branch 1) and the operator's license issued to **Michelle Stephenson** (OPR 9178, Branch 1) of Buena Park, were revoked and respondent

required to reimburse the Board \$9,302 for investigative costs. It was determined that the respondents disregarded and violated regulations and laws regarding the use of structural pest control devices, fumigation or extermination. Decision effective February 27, 2002.

The field representative's license issued to **John Maciel** (FR 24147, Branch 3) of Downey was suspended for 15 days and placed on three years' probation. Respondent must complete a Branch 3 course, and pay \$625 restitution to the homeowner. It was determined that respondent fraudulently convinced a homeowner to eradicate a termite infestation under the house, when there was no evidence of termites. Respondent also falsely represented that the termite company had changed its name and was no longer operating when, in fact, the company was still doing business. Decision effective February 24, 2002.

In the matter of the application for the issuance of a Branch 3 company registration and operator's license submitted by **Thomas A. Pelham** of Paradise, the Board adopted the Administrative Law Judge's proposed decision, which grants the issuance of a company registration and license. Upon issuance, both were placed on three years' probation. Respondent is required to file quarterly reports with the Board, and must complete a Branch 3 Board approved course. Decision effective February 22, 2002.

The company registration held by **Clark Pest Control of Stockton, Inc.** (PR 226, Branches 1, 2 & 3) and the operator's license issued to **Charles F. Clark** (OPR 7943, Branches 1, 2 & 3) of Lodi were suspended for 15 days and placed on three years' probation. Each respondent paid a \$3,000 civil penalty in lieu of the 15-day suspension. Respondent is required to post a \$3,000 restoration bond, reimburse the Board \$22,564 for investigative, and immediately cease and desist from any solicitation, marketing, sales or other use of the Year-Round Exterior Pest-A-Way service agreement unless a Board licensee conducts such activity. It was established that respondent aided and abetted the practice of structural pest control with unlicensed persons, therefore failing to comply with the law. Decision effective February 21, 2002.



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In the same matter, the license issued to **Joseph Dinubilo, Jr.** (FR 6349, Branches 1, 2 & 3) of Stockton was suspended for five days and placed on three years' probation. Respondent paid a \$750 civil penalty in lieu of the five-day suspension. Respondent was also required to post a \$500 restoration bond and reimburse the Board for investigative costs. It was established that respondent aided and abetted the practice of structural pest control with an unlicensed person, therefore failing to comply with the law. Decision was effective February 21, 2002.

In the same matter, the license issued to **Joseph Patrick Clark** (OPR 6816, Branches 1, 2 & 3) of Stockton was suspended for 15 days and placed on three years' probation. Respondent paid a \$3,000 civil penalty in lieu of the 15-day suspension. Respondent was also required to post a \$3,000 restoration bond and reimburse the Board for investigative costs. It was established that respondent aided and abetted the practice of structural pest control by unlicensed persons, therefore failing to comply with the law. Decision effective Feb. 21, 2002.

The company registration held by **Clark Pest Control of Stockton, Inc.** (PR 226, Branches 1, 2 & 3) and the operator's license issued to **Charles F. Clark** (OPR 7943, Branches 1, 2 & 3) of Lodi were suspended for 15 days and placed on three years' probation. Each respondent paid a \$3,000 civil penalty in lieu of the 15-day suspension. Respondent is required to post a \$3,000 restoration bond, reimburse the Board \$22,564 for investigative, and immediately cease and desist from any solicitation, marketing, sales or other use of the Year-Round Exterior Pest-A-Way service agreement unless a Board licensee conducts such activity. It was established that respondent aided and abetted the practice of structural pest control with unlicensed persons, therefore failing to comply with the law. Decision effective February 21, 2002.

In the matter of the application for the issuance of a Branch 1 field representative's license submitted by **Michael Wayne Gaither** of Suisun, the Board adopted the Administrative Law Judge's proposed decision to deny the license. The applicant failed to meet the criteria for rehabilitation with regards to convictions, which were substantially related to the qualifications, functions or duties of a licensed field representative. Decision was effective February 21, 2002.

In the matter of the application for the issuance of a Branch 3 field representative's license submitted by **Dale Glenn Fisher** of Corona, the Board adopted the Administrative Law Judge's proposed decision to grant the issuance of a license. Upon issuance of the field representative's license the license was placed on three years' probation. Respondent must file quarterly reports with the Board and complete a Branch 3 Board approved course. Decision effective February 21, 2002.

The company registration held by **Pace Termite & Pest Control** (PR 2462, Branch 3) and the operator's license issued to **James Mack Hughes** (OPR 9109, Branch 3) of Lemon Grove, were suspended for 30 days and placed on three years' probation. Respondents are required to pay restitution in the amount of \$66,310 to the consumers, reimburse the Board \$6,100 for investigative costs, and post a \$6,000 restoration bond with the Board. Respondents must also file quarterly reports with the Board and complete courses in rules and regulations and technical areas of wood destroying pests/or organisms. It was determined that respondent failed to prepare and file an inspection report regarding subterranean termites and drywood termites at a property where he applied chemicals to control the termites. Respondent also failed to report infections or evidence of drywood termite infestation and complete repairs in a good and workmanlike manner. Decision effective January 27, 2002.

The company registration held by **Country Fume, Inc.** (PR 2976, Branch 1), the operator's license issued to **Raymond De La Torre** (OPR 9544, Branch 1), **Epigmenio Lopez De La Torre** (FR 14151, Branch 1) all of El Monte were revoked in a default decision. It was determined that respondents committed 21 violations of the California's Health and Safety Code, the Business and Professions Code, the Food and Agriculture Code, the Vehicle Code and the Penal Code in a San Diego Superior Court. Respondents failed to aerate a residence according to label, defrauded customers of money in excess of \$400, failed to maintain an accurate log of fumigation jobs, failed to post adequate warning signs and failed to adequately secure a compressed gas cylinder containing Vikane. Respondents also falsely posted warning signs at numerous

properties indicating that Vikane, a poisonous exterminating agent, had been used to fumigate the property when, in fact, the fumigant could not be detected. Decision effective on December 28, 2001.

The field representative's license issued to **Wayne Haward Coleman, II** (FR 24180, Branches 1 and 3) of Chula Vista was revoked and respondent is required to reimburse the Board \$2,500 for investigative costs. It was determined that respondent misrepresented a material fact in his application by failing to disclose the fact of a prior conviction that was substantially related to the qualifications, functions or duties of a licensed field representative. Decision effective November 21, 2001.

The company registration held by **Baquisotang Bonbo's Hankook Termite and Pest Control Co.** (PR 2108, Branches 2 and 3) and the operator's license issued to by **Chang Yol Song** (OPR 8781, Branches 2 and 3) of Los Angeles were suspended for ten days and placed on two years' probation. Respondent paid a \$2,000 civil penalty in lieu of the ten-day suspension. Respondents are required to file quarterly reports with the Board, and complete Board approved courses in Branch 3, and business practices and business ethics. It was determined that respondent signed a certificate of experience form for licensure before it was completed, falsely certified that an applicant had been employed, and knowingly made a false statement of a material fact or omitted a material fact to the Board. Decision effective Nov. 24, 2001.

In the matter of the application for the issuance of a Branch 2 field representative's license submitted by **Elbert Paul Winbush** of Campbell, the Board adopted the Administrative Law Judge's proposed decision to deny the license. Respondent was convicted of crimes substantially related to the qualifications, functions, or duties of a licensed field representative. Respondent knowingly made a false statement of fact on the application for licensure. Decision effective Nov. 24, 2001.

The field representative's license issued to **Aaron Travis Wisdom** (FR 30485, Branch 3) of Santee was revoked in a default decision. It was determined that respondent failed to report evidence of drywood termite damage and decay fungi damage. Decision effective November 24, 2001.

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The field representative's licenses issued to **Jeffery Colin Deal** (FR 31520, Branch 3 and FR 27718, Branch 3) of Santee were revoked in a default decision. It was determined that respondent failed to report evidence of decay, fungi damage and failed to report an inaccessible sub area. Decision effective November 24, 2001.

The operator's license issued to **Gary Michael Bozarth** (OPR 9789, Branches 1 and 3) of Bakersfield was revoked in a default decision. It was determined that respondent committed fraud by operating an unregistered company and falsely represented that pest control work had been performed at properties when, in fact, the work had not been done by a company registered with the Board. Respondent also failed to pay for fumigations performed by another company. Decision effective November 8, 2001.

The company registration held by to **O'Bannon Termite Control** (PR 1156, Branch 3), the operator's license and field representative's license held by **James James Calvin O'Bannon** (OPR 6532, FR 7242) of Fresno were revoked in a default decision. It was determined that respondents were guilty of fraudulent acts by contracting for and performing pest control services without a valid license from the Board. Respondent also failed to notify the County Agricultural Commissioner's Office prior to applying Dursban T.C. Decision effective October 21, 2001.

The company registration held by **Cooley's General Pest & Termite Control**, (PR 1622, Branches 2 & 3) and the operator's license issued to **John Cooley** (OPR 8329, Branches 2 & 3) of Newbury Park were suspended for 40 days and placed on three years' probation. Respondent must file quarterly reports with the Board, complete a Board approved course in Branch 2, and reimburse the Board \$14,774 for investigative costs. It was determined that respondents failed to make a treatment recommendation and failed to properly file inspection reports with the Board, Decision effective September 16, 2001.

In the same matter, the application for the issuance of a company registration submitted by **Cooley's General Pest & Termite Control** of Newbury Park, the Board adopted the Administrative Law Judge's proposed decision, which grants the issuance of a registration. Said registra-

tion will immediately be placed on three years' probation, and required to file quarterly reports with the Board. Decision effective September 16, 2001.

The company registration held by **Integrity Termite Company** (PR 2813, Branch 3) and the operator's license issued to **Sean Timothy Driscoll** (OPR 8901, Branch 3) of Signal Hill were suspended for ten days and placed on three years' probation. Respondent paid a \$2,000 civil penalty in lieu of the ten-day suspension. Respondent is required to pay \$4,670 restitution to the homeowner, reimburse the Board \$5,377 for investigative cost, and post a \$2,000 restoration bond. It was determined that respondent failed to report decay fungi damage, failed to obtain a building permit, and failed to bring the property into compliance in a timely manner. Stipulation effective September 12, 2001.

The applicator's license held by **Ken Edward Fisk** (RA 13460) of Cathedral City was revoked in a default decision. Respondent was convicted of a crime substantially related to the qualifications, functions, and duties of a licensed applicator. Decision effective Sept. 14, 2001.

The operator's license issued to **Alan M. Springer** (OPR 9744, Branches 1 & 3) of Burbank, was suspended for ten days and placed on three years' probation. Respondent paid a \$2,500 civil penalty in lieu of the ten-day suspension. Respondent is required to file quarterly reports with the Board, reimburse the Board \$500 for investigative costs, complete courses in pest identification and biology and file a \$1,000 restoration bond. Respondent stipulated that the Board could have established that he had failed to report decay fungi damage at various locations on the property and failed to bring the property into compliance in a timely manner. Stipulation effective Sept. 17, 2001.

The company registration held by **Strictly Fumigations** (PR 2764, Branch 1), the operator's license issued to **Bonnie Luele Lawson** (OPR 7708, Branches 1 & 2), and the field representative's license issued to **Dave R. Pulu** (FR 24688, Branch 1) all of Placentia, were revoked in a default decision. It was determined that respondents failed to post "Danger" signs at or near all entrances, and failed to properly re-lock, barricade, or otherwise secure the front door of the house. Revocations were effective September 15, 2001.

The company registration held by **Pan American Pest Control Company** (PR 2119, Branch 2) and the operator's license issued to **Dewan Nuril Islam** (OPR 8839, Branch 2) of Glendale, were suspended for 15 days and were placed on three years' probation. Respondents paid a \$5,000 civil penalty in lieu of the 15-day suspension. Respondents are required to reimburse the Board \$4,161 for investigative costs, post a \$3,000 restoration bond with the Board, and complete a Branch 2 Board approved course. It was determined that respondents failed to provide the pesticide and amount to be used, and the area of the property that was treated on the work order. Respondents failed to properly label a storage locker containing pesticides, failed to have a lock on the spray rig, failed to properly mark a vehicle being used spraying pesticides, and did not display the company registration and license in a noticeable location. Decision effective September 7, 2001.

The field representative's license issued to **Larry Peter Villalobos** (FR 23048, Branch 1) of Placentia, was suspended for five days and was placed on three years' probation. Respondent must file quarterly reports with the Board and complete a Branch 1 Board approved course in rules and regulations. Respondent was negligent in the handling and use of Vikane, a poisonous exterminating agent, by not following the label instructions for Vikane. Decision effective September 6, 2001.

In the matter of the application for the issuance of a Branch 2 field representative's license submitted by **Brant L. Manuel** of Salida, the Board adopted the Administrative Law Judge's proposed decision to deny the license. Respondent was convicted of a crime substantially related to the qualifications, functions and duties of a licensee. Decision effective September 6, 2001.

In the matter of the application for the issuance of a Branch 2 field representative's license submitted by **Jonah Tawe Kimbwa** of Anaheim, the Board adopted a default decision, which denied the license. Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a licensed field representative. Respondent also knowingly made a false statement of fact on his application for licensure. Decision effective September 6, 2001.

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The company registration held by **Lance Termite Control, Inc.** (PR 1211, Branch 3) and the operator's license held by **Leonard Geul** (OPR 8579, Branch 3) of Dublin, were revoked in a default decision. Respondent failed to report fungus damage, earth to wood contact and evidence of subterranean termites. Respondent also failed to complete repairs in a workmanlike manner, misrepresented the condition of the property, failed to obtain a building permit prior to performing corrective work, and did not honor the terms of the contract with the homeowners. In addition, respondent failed to comply with terms and conditions of probation from a previous matter. Revocations were effective September 6, 2001.

In the matter of the application for the issuance of a Branch 2 field representative's license submitted by **Richard Allen Mackie** of Buena Park, the Board adopted a default decision, which denied the license. Respondent committed acts involving dishonesty, fraud, or deceit with the intent to substantially benefit himself and if performed by a licensee of the Board would be revocation. Decision was effective September 6, 2001.

The field representative's license issued to **Harold F. Watkins** (FR 19663, Branch 3) of Walnut Creek was suspended for 55 days. It was determined that Respondent violated the terms and conditions of probation from a previous matter. Decision effective September 6, 2001.

The field representative's license held by **Walter Glenn Mooror** (FR 29496, Branch 1) of San Diego was revoked in a default decision. It was determined that respondent misrepresented a material fact in his application for a field representative's license by denying that he had ever been convicted of a felony when, in fact, he pled guilty to violation of Penal Code Section 12021a (possession of a firearm by a felon). Revocation effective June 16, 2001.

In the matter of the application for the issuance of a Branch 1 company registration submitted by **Henry O. Zepeda** of Riverside, the Board adopted Decision, which denied the issuance of a company registration. Respondent committed acts, which constitute grounds for revoking his operator's license. Decision was effective May 23, 2001.

The company registration held by **Corporate Fumigation, Inc.** (PR 2845, Branches 1, 2 & 3), the operator's license held by **Henry Zepeda** (OPR 5981, Branches 1, 2 & 3) and the field representative's license held by **Joshua E. King** (FR 30569, Br. 1) of Anaheim were revoked. Respondents are required to reimburse the Board \$4,249.60 for investigative costs. It was determined that respondents committed an act of gross negligence by fumigating the wrong premises without the permission of the owner; failed to provide the owner of the premises, which was erroneously fumigated, with prior clear written notice that they were about to apply the pesticide Vikane to the premises; failed to bag items of food and medicines, and failed to remove potted plants from the residence. Decision effective May 23, 2001.

In the matter of the application for the issuance of a Branch 2 field representative's license submitted by **Erwyn Lamont Anderson** of Escondido, the Board denied the application for a field representative's license. Respondent had a past history of criminal activity. Respondent also knowingly falsified the licensing application. Decision was effective March 24, 2001.

The company registration held by **Termite Connection** (PR 2345, Branch 3) and operator's license held by **Robert Crain** (OPR 9057, Branch 3) of Los Alamitos were each revoked, stayed, with a five day suspension with an option of paying a \$2,500 civil penalty in lieu of the five days. Respondents chose to pay the \$2,500 civil penalty in lieu of the 5 day suspension. Respondents were also placed on three years' probation and required to file quarterly reports with the Board. Respondents are also required to reimburse the Board for investigative costs in the amount of \$1,491 and post a \$2,000 restoration bond. It was determined that between the approximate period of 1996 to 1999, Respondent was performing and soliciting Branch 2 (general household pest control) pest control work at various addresses, while only licensed to perform and solicit Branch 3 (wood-destroying pest and organism control) pest control work. Decision effective February 15, 2001.



The company registration held by **Catalina Termite Control, Inc.** (PR 2320, Branch 3) and operator's license held by **Timothy Lear** (OPR 9319, Branch 3) of Orange were revoked in a default decision. Respondents failed to report drywood termite damage, earth to wood contacts, decay fungi damage and faulty grade level. Respondent also failed to complete repairs and was found grossly negligent in the inspections by failing to perform proper inspections. The default decision effective Jan. 12, 2001.

The operator's license held by **David Lee Criswell** (OPR 9239, Branches 2 and 3) of Weldon was revoked in a default decision. It was determined that grounds existed to revoke probation and reimpose the order of revocation in that respondent failed to comply with conditions of probation. The default decision was effective Dec. 6, 2000.

In the matter of the application for the issuance of a Branch 1 field representative's license submitted by **Ronald Lee Reece** of Paso Robles, the Board adopted the decision to issue a probationary field representative license. The probationary period is three years, during which time respondent must file quarterly reports with the Board. Respondent was convicted of a crime substantially related to the qualifications, functions and duties of a board licensee but presented significant evidence of rehabilitation. Decision effective November 12, 2000.

In the matter of the application for the issuance of a Branch 2 operator's license submitted by **Loran Dale Martin, Jr.** of Sun Valley, the Board in a default decision, denied the issuance of a license. Applicant contracted for and performed pest control work on his own behalf and without registering with the Board. Decision effective October 14, 2000.

The company registration held by **The Complete Inspection** (PR 2670, Branch 3) and field representative's license held by **James M. Butler** (FR 24935, Branch 3) of Campbell were each revoked in a default decision. It was determined that respondent Butler engaged in the business of structural pest control without a valid registration and without designating an individual who holds an operator's license to act as its qualifying manager. Also, respondent failed to notify the Registrar in writing within ten days of the disassociation of the qualifying manager and was

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lacking the required liability insurance policy or bond. The default decision effective October 6, 2000.

The company registration held by **Ostic Termite Company** (PR 1935, Branch 3) and operator's license held by **Vernon C. Ostic** (OPR 7404, Branch 3) of Bellflower were each revoked. The revocation was stayed with 45 days' actual suspension or payment of a civil penalty in lieu of 15 day suspension and placed on three years' probation, required to file quarterly reports with the Board, reimburse the Board for the costs of quarterly inspections during the period of probation and complete a Branch 3 course in rules and regulations and business ethics. Respondents were also required to reimburse the Board \$7,000 for investigative costs. It was determined that Respondents aided and abetted an individual to operate an unregistered pest control company by allowing him to utilize company registration number PR 1935 on printed inspection report forms and completion notices used to conduct business as Termite Pros, an unregistered pest control company. Decision effective September 23, 2000.

The operator's license held by **Robert G. Evans** (OPR 4083, Branches 2 & 3) of Burbank was revoked. The revocation was stayed with ten days' actual suspension or payment of a civil penalty in lieu of the suspension and placed on three years' probation. Respondent was also required to complete a Branch 3 Board approved course within 18 months, file quarterly reports with the Board, post a \$2,000 restoration bond during the period of probation and reimburse the Board \$750 for investigative costs. It has been alleged that respondent failed to report decay fungi damage and failed to bring the property into compliance within 30 days. Without admitting to the charges, respondent agreed not to contest the charge. Decision effective September 23, 2000.

The field representative's license issued to **Ronald Francis Magyari** (FR 23510, Branches 2 & 3) of Baldwin Park was revoked in a default decision. It was determined that respondent engaged in the practice of structural pest control without a valid operator's license and a valid company registration. Respondent was fraudulent in representing that pest control work had been done when no registered company had performed the work. Revocation effective Aug. 11, 2000.

The company registration held by **Top Dawg Termite Company** (PR 2768, Branch 3) and the operator's license of **George W. Bailey** (OPR 9427, Branch 3) both of Murrieta were revoked, stayed, suspended for ten days and placed on three years' probation. The respondents are required to reimburse the Board for investigative costs in the amount of \$4,513 and make restitution to the consumer in the amount of \$13,270. It was determined that respondents failed to report decay and fungi damage and failed to complete repairs in a good and workmanlike manner. Respondent falsely represented that the property was free of active infestations and that the recommended work was completed when, in fact, decay fungi and termite damage remained. Respondents admitted that they disregarded and violated the building laws by failing to obtain the required building permit prior to performing repair work. Respondent also failed to complete repairs for the contract price. The suspension was effective July 28, 2000.

In the matter of the application for the issuance of a Branch 3 field representative's license submitted by **Carl Lewis Hall** of Palm Springs, the Board adopted the decision to issue a probationary field representative license. The probationary period is three years, during which time respondent must file quarterly reports with the Board. Respondent has a past history of criminal activities. Decision effective on July 27, 2000.

The registered applicator's license held by **Ren Keith Castleberry** (RA 7827, Branch 2) of Indio was revoked in a default decision. Respondent engaged in or offered to engage and advertised for the practice of pest control without a valid company registration. The default decision effective July 1, 2000.

In the same matter, the field representative's license held by **Ricardo Melendez** (FR 14545, Branch 3) of Campbell was placed on three years' probation, required to complete a Branch 3 Board approved course and file a \$4,000 restoration bond. Respondent failed to report fungus growth, earth to wood contacts and failed to include the names, license numbers and signature of all inspectors on the report. Decision effective June 17, 2000.

The company registration held by **Cagwin & Cagwin Exterminators, Inc.** (PR 168, Branch 3) and the operator's license held by **Thomas L. Cagwin** (OPR 8648, Branch 3) both of Campbell were revoked, stayed, and placed on three years' probation. The decision also required respondents to file quarterly reports with the Board, reimburse the Board \$2,000 for investigative costs, complete a Branch 3 Board approved course and file an \$8,000 restoration bond. It was determined that respondents failed to report fungus growth in subfloor area, earth to wood contacts, failed to include the names, license numbers and signature of all inspectors on the report and failed to correctly place required language within the report. Decision effective June 17, 2000.

The company registration held by **Big G Termite** (PR-3280, Branch 3) and the operator's license held by **Manuel R. Garcia** (OPR 9871, Branch 3) of Downey were revoked in a default decision. It was determined that while respondent was an applicant for an operator's license, he furnished a notice of work completed prior to actual completion of the work as specified in his bid. He committed gross negligence or fraud by certifying that property was free of evidence of active infestation when, in fact, it was not; and engaged in the practice of structural pest control without a valid operator's license and without a valid company registration. Revocation effective June 16, 2000.

Structural Pest Control Board's Toll-Free Line: 800-PEST-188

Our toll-free 800 number was first established in 1994. Designed with the consumer in mind, this line gives consumers the convenience of a toll-free number to seek information, have questions answered, or register complaints regarding a pest control company or licensee. However, we can no longer transfer calls to our Licensing or Administration units. For calls regarding a licensing issue, call our Licensing Unit at 916-561-8704. Our Administration phone number is 916-561-8700.

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